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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation in East Timor

Note by the Secretariat submitted pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/15

1. At its forty-second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted, on 30 August 1990, resolution 1990/15 entitled "Situation in East Timor", the operative part of which reads as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"1. Welcomes and encourages the exercise by the Secretary-General of his good offices as mandated by General Assembly resolution 37/30 of 23 November 1982 with a view to exploring the avenues for finding a settlement guaranteeing full respect for human rights in East Timor;

"2. Requests the Indonesian authorities to facilitate the access to the territory of international humanitarian and development organizations;

"3. Appeals to all sides to exercise restraint and, guided by the spirit of dialogue and negotiations, to co-operate fully with the Secretary-General in the exercise of his good offices with a view to finding a durable settlement to the conflict;

"4. Recommends to the Commission that it consider, at its forty-seventh session, the situation pertaining to human rights and fundamental freedoms in East Timor and to this purpose asks the Secretariat to transmit to the Commission all the reliable information received."

2. In accordance with operative paragraph 4 of Sub-Commission resolution 1990/15, the Secretariat wishes to transmit, in the annex to the present note, information which Amnesty International, a non-governmental organization in consultative status with the Economic and Social Council (category II) has provided in this regard.

3. Reference is also made to the reports presented to the Commission on Human Rights at its forty-seventh session by the Special Rapporteur on the question of torture (E/CN.4/1991/17), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20) and the Special Rapporteur on summary or arbitrary executions (E/CN.4/1991/36). In the report presented by the Special Rapporteur on torture paragraphs 79 to 83 contain relevant appeals of the Special Rapporteur to the Government of Indonesia as well as the Government's replies thereto. The report of the Working Group on Enforced or Involuntary Disappearances also contains, in paragraphs 209 to 211, communications transmitted to the Government as well as references to reports of a general nature received from non-governmental organizations. Finally, the report of the Special Rapporteur on summary or arbitrary executions reflects, in paragraphs 214 and 216, communications transmitted to the Government and, in paragraph 221 (b), the Government's replies thereto.

Annex

INFORMATION RECEIVED FROM AMNESTY INTERNATIONAL, A NON-GOVERNMENTAL ORGANIZATION IN CONSULTATIVE STATUS (CATEGORY II)

A. Statement by Amnesty International to the United Nations Special Committee on Decolonization (August 1990)

Introduction

1. Over the past two years Amnesty International has documented the emergency of a pattern of short-term detention, ill-treatment and torture of alleged political opponents of Indonesian rule in East Timor. We have continued to receive credible reports of extrajudicial executions, "disappearances" and the systematic use of torture against political detainees by members of the Indonesian security forces. We remain concerned about hundreds of unresolved cases of "disappearance" and the continued imprisonment of at least 11 alleged supporters of the Frente Revolucionaria de Timor Leste (Fretilin), sentenced in trials which Amnesty International believes were not fair. Finally, in spite of repeated requests to the Indonesian authorities, Amnesty International has not yet been able to visit East Timor.

2. Some foreign visitors have been able to travel with relative freedom in certain parts of the territory, and this has been a welcome change. Yet very serious limitations on the accurate reporting of human rights violations remain. First, many violations are by definition "invisible"; incommunicado detention, torture, ill-treatment, and "disappearance" may not be readily detected or easily documented either by casual tourists or visiting foreign dignitaries. Second, postal and telephone communications continue to be monitored and most foreign visitors, tourists included, are subjected to surveillance by military intelligence. Third, and perhaps most importantly, no mechanism yet exists within East Timor for the systematic reporting of human rights violations. There is a pervasive fear that those who report such violations will themselves become victims: Amnesty International believes that there are good grounds to believe that this fear is justified.

Short-term detention, torture and ill-treatment

3. In its statement before the Special Committee on Decolonization last year, Amnesty International said that it had learned the names of some 200 people who had been detained in a series of mass arrests between October 1988 and July 1989, dozens of whom had reportedly been tortured or ill-treated in police or military custody. This pattern of short-term detention, torture and ill-treatment has continued in the past year. Dozens of suspected Government opponents and advocates of human rights, many of them young people and students, have been detained for their alleged participation in a series of apparently peaceful pro-independence demonstrations which began in October 1989 during the visit of Pope John Paul II. Most recently, several people were reportedly detained after high-school students raised the Fretilin flag at schools in Becora and Camea outside of Dili, on 17 July 1990.

4. In Amnesty International's view, the pattern observed has all the hallmarks of a systematic strategy to silence real or suspected political opponents of the Government and to obtain political intelligence through coercion and intimidation. Suspects are typically held incommunicado in

police or military detention centres or unofficial safehouses for periods ranging between a few hours and several weeks, and subjected to physical and psychological abuse before being released without charge. It is in these unofficial detention centres, which are not seen by visiting foreign journalists or parliamentary delegations, that detainees are most likely to be subjected to torture or ill-treatment. As a condition for release, many detainees are required to co-operate in the gathering of military intelligence and to report regularly to military authorities. Many are warned not to speak of their treatment in custody to humanitarian organizations, church leaders or foreigners. Even after they have been released, suspected political opponents live in fear that they may be detained at any time and on the slightest pretext.

5. Filomeno Paixao de Jesus and Hermenegildo de Conceicao, both detained in May 1989, were among the scores of people detained and reportedly interrogated prior to the visit of the Pope. Filomeno Paixao de Jesus was reportedly stripped naked and tortured with electric shocks to his genitals and anus while being questioned about the plans of the underground movement for the visit. Hermenegildo de Conceicao witnessed the torture; both were released after questioning. In June 1990, Hermenegildo de Conceicao was detained again and taken to a military arsenal in Dili, the Gudang Municipia, where he was reportedly beaten and kicked by a group of about 20 soldiers who accused him of being a supporter of the resistance. His hair was shaved and one of his ears was reportedly slashed with a knife. He was released without charge.

6. An estimated 20 East Timorese, most of them students, were detained for their alleged part in a pro-independence demonstration during the Pope's visit in October 1989. Most were reportedly held briefly in an unofficial detention centre in the Vila Verde quarter of Dili, where they were said to have been beaten, given electric shocks and deprived of food. A few days later, Bishop Belo, the Apostolic Administrator of Dili, reportedly confirmed the allegations that security forces had used torture. He is reported to have said: "I am shocked that the Indonesian military is extracting false confessions under torture. The boys were trying to express their discontent with the situation in East Timor. It is a lie that the Church was in any way involved in the demonstration". Although Indonesian officials initially denied that any arrests had been made, Amnesty International confirmed that at least three detainees remained in custody at the end of October 1989, three weeks after they had been detained.

7. The following account of harassment of alleged pro-independence demonstrators comes from a letter dated 6 November 1989 and signed by 23 people who sought refuge at the residence of Bishop Belo in the aftermath of the October demonstration. Several of the 33 people who had been expected to sign the letter were unable to do so because they had been detained by the police on the previous day. "We are a group of East Timorese youth who are being tracked down by the military authorities who wish to detain us. For the time being we are at the Bishop's residence in Lecidere [in Dili]. A few among us have already been detained and nothing is known of their fate.... All of this has happened to us because we do not agree with the violation of human rights in East Timor, and the inhumane way in which we have been treated. After the demonstration in Taci-Tolu on 12 October 1989, we have been followed and detained. Our lives have been threatened. We have been forced to abandon our day-to-day activities, either as employees or as students".

8. More young people were detained and reportedly ill-treated in November 1989 following two incidents involving security forces and students in Dili. On 5 November, at least six were detained. Among them were Antanasio (17), Antonio Castro (20), and Jose Minas (19). They were reportedly held at Nusra Bakti, a military-backed business used as a detention centre, where they were said to have been beaten with heavy wooden branches while under interrogation. Two other students, Jose Manuel Fernandes (20) and Donaciano Gomes (21), who were believed to be among those involved in the 12 October demonstration, were detained at the Wisma Senopati II, a military guest house also used as a detention centre. Both were reportedly tortured with electric shocks after being doused with cold water. None were known to have been charged with acts of violence. Some of those detained were reportedly held for three months and three were feared to have "disappeared".

9. On 14 November, fully armed units of the Indonesian army surrounded and attempted to enter the premises of the Externato San Jose, a Catholic High School in Dili alleged by military intelligence to be a centre of underground activity and sympathy for those opposing Indonesian rule. When the soldiers entered the building they found one student, Manuel Mausiri, hiding in the toilet. He was reportedly beaten until he lost consciousness. At least two students, Anatalino Beltrao and Pedro da Costa, and possibly as many as eight, were detained the following day. Pedro da Costa was reportedly beaten while under questioning, and several other detainees reportedly remained in custody in December.

10. Several people were seriously injured on 17 January 1990 when Indonesian security forces dispersed a peaceful pro-independence demonstration at the Hotel Turismo in Dili. Dozens were said to have been detained after further demonstrations on 18 and 19 January. The dispersal came after demonstrators had spoken for about an hour with visiting United States Ambassador, John Monjo, appealing for his Government's intervention on behalf of East Timor's independence and for the protection of human rights there. Three people were taken to hospital; two of them remained in hospital for several weeks reportedly suffering from serious head injuries and mental trauma. Several other people who received minor injuries were treated at the residence of the Bishop, where they sought refuge. On hearing that the actions of the security forces had resulted in injuries, a United States Embassy spokesman said: "We sincerely regret this ... In view of the peaceful nature of the demonstration the Ambassador [had] asked that no one be arrested or detained".

11. The students reportedly called for United Nations intervention on the political future of East Timor and outlined human rights violations in the territory. As they spoke, Government officials reportedly moved through the crowd noting names and taking photographs and making video recordings of both demonstrators and bystanders. An eyewitness said that as Ambassador Monjo prepared to leave, the students asked him to guarantee their safety because the hotel was by that time completely surrounded by soldiers and police in riot gear. One eyewitness said that as soon as the Ambassador left "... riot police and soldiers charged into the demonstrators, beating them with batons and rifle butts". Some, he said, managed to escape but about 40 "were clubbed and beaten into a human pile against the hotel's iron fence". A second eyewitness said: "There were shoes scattered all over the road as well as blood... The students in the mound protected their heads from being beaten with their arms... I saw a body which appeared very limp being thrown on the back of a truck".

12. Once again, the Indonesian Government denied that there had been arrests, but Amnesty International learned that at least five of those detained after the January demonstrations remained in custody in February 1990. They were Jose Manuel Fernandes, Donaciano da Costa Gomes, Francisco Maria de Sousa, Clementino Faria and Anatalino Beltrao da Costa, all of whom had been previously arrested in October and/or November. Donaciano da Costa Gomes claimed to have been ill-treated in custody and reported that other detainees had been tortured with electric shocks, immersed for long periods in foetid water, kicked and punched, slashed with knives and hung from the ceiling. Between January and March of this year, the International Committee of the Red Cross is reported to have visited 54 political detainees in five different detention centres in East Timor. A number of these were undoubtedly people arrested in connection with the demonstrations of October 1989 to January 1990.

13. East Timorese students living in Indonesia, especially those who have been politically active, have also been detained and ill-treated by police and military authorities. On 26 April, Mario Trindade (22), Felizberto Mascarenhas (23) and Fernao Trindade (17), all East Timorese students living in Bali, were arrested and badly beaten by police and military authorities following a fight in which a man was seriously injured; they were released five days later without charge. According to reports they were held first at the main police station in Denpasar, then at the headquarters of the Military Police and finally at the District Military Command (KODIM). Friends who saw them in their cells said that their faces were covered with bruises; at least one of them, Fernao Trindade, was bleeding from the nose and mouth and had difficulty standing, apparently as a result of being beaten in custody. Fellow students who tried to intervene with the authorities on behalf of the three were reportedly threatened with death by a military officer from the District Military Command (KODIM). The officer is reported to have said: "I served as a soldier of the Indonesian Army in Viqueque [East Timor]. At any moment I was ready to take the order to kill. If you continue carrying on like this, the Viqueque part of me will come out again and the moment that happens, I will gladly give the order to kill each and every one of you... And if I cannot do it alone, I will order the people of Denpasar to strip you naked and cut you down like stalks of grass".

14. Amnesty International has evidence which directly contradicts the assertion by the Indonesian Government and military authorities that they have not arrested demonstrators over the past year. It may be true, strictly speaking, that most of those detained by the security forces have not been formally arrested and appear not to have been charged with a recognizable criminal offence, but they have been held in arbitrary, unacknowledged detention. The explanation provided by the authorities that certain people reported to have been detained had only been "asked for information", obscures the essential issue. Whatever the terminology used, those held for interrogation in jails and detention centres are prisoners and Amnesty International believes that many of them may be or have been prisoners of conscience. Their imprisonment, however brief, and their torture or ill-treatment are matters giving rise to serious concern.

Torture

15. The torture and ill-treatment of alleged political opponents held in military detention centres has been a consistent feature of Indonesian rule in East Timor. The testimony of recently released political prisoners, arrested

between 1977 and 1983, provides fresh evidence of the systematic use of torture in extracting information in military custody. Eduardo da Costa, who was taken to Bali for interrogation in 1983, testified that he and other detainees were stripped naked for interrogation; men were beaten across the back with an iron pipe and received electrical shocks to their genitals. Eduardo da Costa said he was tortured again at the District Military Command (KODIM) in Dili before being tried and sentenced to seven years in jail in 1984.

16. Another informant, Agapito da Silva, was arrested for the first time in September 1977 by members of the 401st Battalion. He was taken to an Army post at Likisa where he was kicked and punched while being interrogated together with three others for several days. He was subsequently released but in June 1980 he was arrested again, along with seven others - including three women - on suspicion of having links with Fretilin. All eight were interrogated first at the District Military Command (KODIM) in Dili, then transferred to the KOREM where they were tortured repeatedly over a period of several weeks. According to Agapito da Silva they were kicked, punched and nearly drowned by their interrogators. Both men and women were forced to undress during interrogation; their genitals were burned with lighted cigarettes or given electric shocks. The women were sexually harassed by soldiers in their cells.

17. Amnesty International continues to receive numerous reports of the ill-treatment and torture of suspected rebel sympathizers in the countryside. According to one report, five men from the villages of Eukissi and Ili Lai in Lospalos district were beaten publicly by members of the 511th Battalion at about midnight on 12 April 1990. An eyewitness said that the men - named Tito dos Santos, Bou Reci, Rui, Jaime and Ano Dai - were kicked and beaten on the head, chest and genitals. The incident was reported to both military and civilian authorities at the village and the district level, but we are not aware of any disciplinary action having been taken against the alleged perpetrators. In 1989 a missionary working in Venilale made the following observation about people in the area: "They are afraid of interrogations, torture and electric shocks. At first I said 'You don't have to be afraid if you have done nothing wrong'. But there I was profoundly mistaken. Children really have to be afraid of losing their parents".

Unfair trials and political prisoners

18. Amnesty International has expressed serious doubts about the fairness of political trials in East Timor. Although the Indonesian Government has not allowed qualified international observers to attend such trials, Amnesty International has heard the testimonies of recently released political prisoners, tried in 1984, and has obtained trial documents which substantially confirm the conclusion that, by international standards, these trials were not fair. The evidence suggests that political trials in East Timor are deficient in some or all of the following respects: testimonies of both defendants and witnesses are often extracted under duress, sometimes under torture; prosecution witnesses are seldom cross-examined and there are few if any witnesses for the defence; trials are conducted in a language which is not always well understood by the defendants or the witnesses; the possibility of appeal provided for in the code of criminal procedure is not actively pursued by State-appointed defence lawyers.

19. Agapito da Silva was tried together with several others in August 1984. All were reportedly accused under article 110 of the Indonesian criminal code of conspiring to commit crimes against the State. They were found guilty in a trial which lasted three days and which was conducted entirely in Indonesian, a language which most defendants understood imperfectly if at all. Agapito da Silva was sentenced to six years in prison; the four years he had spent in custody without trial were not deducted from his sentence. According to Agapito da Silva, the only prosecution witnesses to testify at his trial were two of his co-accused who had both been in custody for more than four years and who had reportedly been tortured during interrogation. These witnesses, he said, were given instructions beforehand by the prosecutor which they simply carried out during the trial. Defendants were asked to sign statements which amounted to confessions and were told that if they did not sign they would not receive a trial at all. Prosecution witnesses were not cross-examined and there were reportedly no witnesses for the defence.

20. Eduardo da Costa wa tried together with several others in March 1984. All were found guilty in a trial which lasted seven days; Ed 'o da Costa was sentenced to seven years in jail. He alleges that he was g no opportunity to speak in his own defence during the trial. He also clai hat before his trial he was interrogated and tortured by two different military authorities; In Bali, where he was sent in August 1983 shortly after his arrest, and at the KODIM in Dili shortly before the trial. Like Agapito da Silva, he says that the only witnesses in the court were other defendants, many of whom had been tortured in military custody. According to Eduardo da Costa, some of the defendants had angered the authorities by asking to be tried according to principles of international law, not Indonesian law. They were reportedly taken from the court room and kept in an isolation cell until the trial was over and were then sent immediately to Cipinang prison. At least three of these - David Dias Ximenes, Albino Lourdes and Mario (Marito) Nicolau dos Reis - are still in prison serving sentences of between 15 and 17 years.

21. Amnesty International welcomes the release over the last year of at least 14 long-term political prisoners from East Timor who had been sentenced in trials which Amnesty International believes were unfair. According to our information these prisoners had served all but a few months of their sentences. With their release, Amnesty International believes that 11 East Timorese tried and convicted of supporting Fretilin now remain in acknowledged detention serving sentences of between 4 and 17 years. Six of the remaining sentenced prisoners are in Cipinang prison in Jakarta and five are in Dili's Bekora prison. This figure does not include people recently detained for political reasons and held without charge or trial in the numerous detention centres in East Timor.

22. Amnesty International is concerned that East Timorese prisoners serving sentences in Jakarta are effectively denied regular access to family and friends. Last year we noted the case of Albino Lourdes, aged 50 and ill with a bladder condition, and appealed on humanitarian grounds for the transfer to Dili of all East Timorese prisoners. Albino Lourdes, now 51, remains in Cipinang prison where he is serving a 17-year sentence. If he serves his full sentence, he will not be released until shortly before the turn of the century.

"Disappearances"

23. Amnesty International remains concerned by reports that people detained by Indonesian security forces in East Timor have subsequently "disappeared". We fear that many of the hundreds reported to have "disappeared" since December 1975 may have been killed. Of those more recently reported as disappeared, many have been found to have been in unacknowledged military or police detention.

24. Last year Amnesty International reported the possible "disappearance" of four East Timorese, and noted that they were probably in police or military custody. We have since confirmed that at least three of the four - Manuel Fatima Guterres, Elias Pereira Moniz and Herminio da Silva da Costa - were indeed in military custody. Manuel Fatima Guterres "disappeared" after being taken from his home in Dili on 25 May 1989 by military officials; in August 1989, Amnesty International learned that he was in jail and might face charges for alleged involvement with the resistance. Elias Pereira Moniz, an East Timorese studying in Bali, "disappeared" after being arrested by military intelligence officers on 14 June 1989; it was later discovered that he had been in unacknowledged military custody in Denpasar for several days before being released without charge. Herminio da Silva da Costa, an employee at the office of the Governor, was reported missing after his arrest on 24 May 1989. Amnesty International later learned that he had been in military custody for several weeks, on suspicion of supporting the political opposition.

25. The same may be true of several people reported to have disappeared in the last year. Domingos Mario Neto Mok was reportedly arrested by members of the military on 29 July 1989 and taken to an army post in Ossu. As of October 1989, his whereabouts were unknown and Amnesty International has received no further information since that date. Three students, Alcino Ximenes, Nelson da Costa and Franco Mateus, were feared to have "disappeared" after being detained by security forces in November 1989. According to one report, they were released from military custody in early January and then rearrested after the January demonstrations. They were reportedly still missing at the end of February. In January 1990, Vicente Ximenes was reportedly arrested by military officials. His wife inquired after his whereabouts at various military detention centres but failed to locate him. Joselino Soares (29), was reportedly detained by Indonesian security forces on 22 July 1990 when he disembarked at the wharf in Dili after arriving from Bali, where he had been studying. According to fellow students, his whereabouts remained unknown as of the end of July. According to the most recent reports from non-governmental sources, Joselino Soares was released after several days in the custody of Indonesian security forces. We are concerned for their safety and as a matter of urgency request clarification from the government on the whereabouts of all people last seen in military or police custody.

26. Amnesty International notes the continuing efforts made by the Indonesian Government to investigate cases of "disappearance" which have taken place in East Timor over the last 14 years. It is concerned, however, at the slow pace of such investigations and by indications that some of the information provided by the government may be incorrect. According to its January 1990 report, the United Nations Working Group in Enforced or Involuntary Disappearances considered only six cases to have been clarified by government information provided in late 1988, and possibly one more case on the basis of

information provided in 1989. As of January of this year, only 22 of a total of 71 cases submitted to the government by the Working Group had been clarified by government information. Of this number, six individuals were found to be in detention and 16 others were reported to be alive but not in custody. It is important to remember that this figure represents only a fraction of the hundreds of East Timorese reportedly "disappeared" since 1975, but in circumstances still too unclear to permit the Working Group to make substantive inquiries to the government.

27. In 1989, the government provided information on three cases, but in two of these - the "disappearances" of Maria Gorete Joaquim in 1979 and of Venanciano Gomes in 1980 - the government's information was at variance with information provided by unofficial sources. In a letter dated 10 July 1989, the Indonesian Government said that Maria Gorete Joaquim was alive and residing in Dili. However, according to her relatives she was shot by security forces in a churchyard in the town of Quelicai near Baucau in May 1979 after she "disappeared". The Indonesian Government said in the same communication that Venanciano Gomes, who "disappeared" in June 1980, had died in an exchange of fire between security forces and Fretilin guerrillas. Relatives and witnesses, however, have said that he was arrested in June 1980 and tortured in military custody. In the same month witnesses saw him being taken by military helicopter to Remexiu, where he was reportedly found killed with a knife.

Extrajudicial executions

28. At least 20 people, and possibly many more, were reportedly killed by Indonesian security forces in 1989 and early 1990 in apparent extrajudicial executions. Most of the victims of extrajudicial execution have been villagers living in areas of suspected rebel activity. In some instances, victims appear to have been tortured or ill-treated before being killed. Reports of extrajudicial execution in East Timor have always been difficult to verify but Amnesty International believes that the available evidence of the extrajudicial execution of suspected government opponents is strong.

29. Josefina Facundo is alleged to have been bound, raped and killed by members of the 144th Battalion near Poros, Lautem, on 29 January 1989. Her mutilated body - with breasts cut off and eyes poked out - was reportedly dropped at her village. According to reports, she had been ordered into the bush by soldiers to look for her husband, Gilberto, an alleged Fretilin supporter. In a separate incident on 17 July 1989, three unarmed young men cutting wood outside the permitted timbering area near Ossu were reportedly killed by government forces. They were apparently accused of being Fretilin spies, tied together and shot. Their decaying bodies were discovered, still bound, three days later. In another case, Francisco Magno, a civilian, the son of Lormanu and Bemali, was reportedly shot dead by government soldiers in Leotelo, Nunumogue, on 13 August 1989.

30. In late March 1990, four men from Lalerek-Mutin were reportedly tortured and one of them killed by security forces. Candido Amaral (39) a father of five, was arrested on 28 March and tortured by members of the security forces while being questioned about his alleged links to Fretilin. He was reportedly kicked, punched, and thrown to the ground until he became unconscious. When he was revived and still refused to confess, his captors reportedly burned his genitals with cigarettes. At dawn on 29 March Candido Amaral was taken to

Tua-Metan and executed by firing squad. He was said to have been shot so many times that parts of his body disintegrated. Amnesty International understands that disciplinary action has been taken against the alleged perpetrators of the torture and killing of Candido Amaral and is seeking further information on the exact nature of the punishment. At least three other people from Lalerek-Mutin - Joaquim Sarmento, Antero de Carvalho and Sebastiao dos Reis - are reported to have been detained and tortured in a similar manner to Candido Amaral, between 26 and 29 March 1990.

31. Last year Amnesty International presented evidence about seven apparent extrajudicial executions, all of which were noted in the 23 January report of the United Nations Special Rapporteur on Summary or Arbitrary Executions. According to that report the Indonesian Government provided information in December 1989 regarding two of the seven killings - those of Felix Ximenes who was reportedly killed by members of the 315th Battalion on 11 June 1989, and of Aleixo Ximenes, who was reportedly killed on 23 March 1989 by a member of the 328th Battalion. The government claimed that both men were alive. Amnesty International welcomes the government's prompt response but notes that it is at variance with independent reports from non-governmental sources. Amnesty International regrets that as of January of this year the government had failed to provide any information regarding the alleged killing of Carlos Mendes da Silva and Luiz da Cruz by members of the 726th Battalion on 31 October 1988, despite the existence of several witnesses and the fact that the circumstances of the killings were comparatively well documented.

Concluding remarks

32. Amnesty International believes that there is a demonstrable pattern of short-term detention, torture and ill-treatment in East Timor which may serve, or be intended, to intimidate real or suspected political opponents of the government, including non-violent opponents. It believes that many of those detained, albeit briefly, for their alleged part in peaceful pro-independence demonstrations since October 1989 may have been, or continue to be prisoners of conscience. It urges the Indonesian authorities to release promptly anyone held solely for their non-violent political activities or beliefs. It is concerned that in view of the consistent and recurrent pattern of ill-treatment of political detainees in East Timor, those still in detention, and those arrested under similar circumstances in the near future, may be in serious danger of torture or ill-treatment.

33. Amnesty International believes that in accordance with international human rights standards, and in the interest of safeguarding against future violations, the Indonesian Government has an obligation to investigate these and other allegations of serious human rights violations in East Timor, including extrajudicial executions, "disappearances" and torture committed by members of the security forces. Amnesty International urges the government to identify and bring to justice members of the security forces responsible for such violations. We ask that in the interest of demonstrating the fairness of future political trials in East Timor, they be made accessible to international observers. At a minimum we would hope that documents from political trials be made available to Amnesty International and other international organizations which may request them. We also urge the Indonesian Government to disclose the names and place of detention of all people detained with or without charge in the name of "security" over the last two years, and to release or bring to trial fairly any accused of political offences.

34. It must be stated in closing that, in spite of repeated requests to the Indonesian authorities, Amnesty International has not yet been able to visit East Timor; this has not been for want of trying. In March 1989, after positive discussions with government representatives, we submitted to the Government of Indonesia a proposal for an official visit to East Timor and Indonesia sometime later in 1989. To date we have received no reply to that letter. When we have reiterated our request, we have been told that the proposal is under consideration. We would urge the Government to demonstrate its commitment to the protection and promotion of human rights in East Timor by permitting international human rights organizations, including Amnesty International, to visit East Timor in an official capacity, and on a regular basis, in order to monitor the human rights situation there.

B. East Timor: Update on human rights concerns since August 1990

Introduction

35. This report provides a brief update on Amnesty International's concerns in East Timor since August 1990, when the organization testified before the United Nations Special Committee on decolonization (see East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization ASA 21/09/90).

36. The human rights situation in East Timor has not improved since August. The organization remains concerned about a continuing pattern of serious violations described in its August statement: persistent reports of extrajudicial executions, the systematic use of torture against political detainees by members of the security forces, hundreds of unresolved cases of "disappearance" and the continuing imprisonment of at least 10 alleged supporters of Fretilin sentenced in trials which Amnesty International believes were not fair.

37. Amnesty International is increasingly concerned about a pattern of short-term detention, ill-treatment and torture of alleged political opponents of Indonesian rule in East Timor which has gained additional momentum since August. It believes that many of those detained may be or may have been prisoners of conscience and it is alarmed by the number of detainees whose whereabouts remain unknown several days or weeks after their arrest by security forces.

38. The organization is also concerned by the Indonesian Government's continued refusal to allow human rights organizations, including Amnesty International, to visit East Timor to investigate human rights violations. It notes that this refusal is inconsistent with the government's frequent public assertions that East Timor is "open" and that foreign observers and international organizations are welcome to visit.

Short-term detention, ill-treatment and torture

39. Previous Amnesty International reports have described a pattern of short-term detention, torture and ill-treatment of alleged political opponents of Indonesian rule in East Timor (see East Timor: Short-Term Detention and Ill-treatment, ASA 21/02/90 and East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization, ASA 21/09/90). Suspects are typically held incommunicado in police or military detention

centres or unofficial safe houses for periods ranging from a few hours to several weeks. Most undergo physical and psychological abuse before being released without formal charge. A minority are held for longer periods but few are formally charged or tried. In Amnesty International's view, the pattern appears as a systematic strategy to silence real or suspected political opponents of the government and to obtain political intelligence through coercion and intimidation.

40. Amnesty International has learned the names of more than 100 people, most of them students, young people and civil servants, detained in the past six months for their alleged involvement in apparently peaceful pro-independence demonstrations or related political activities. Many of those detained have reportedly been ill-treated or tortured in custody and at least five have been hospitalized as a result of their injuries. The forms of ill-treatment and torture inflicted include beatings with iron bars, batons and fists, burning with lighted cigarettes, slashing with razor blades and immersion for long periods in fetid water. The testimony of one East Timorese detained and tortured by security forces in November 1990 is reproduced in Appendix I.

41. In view of past evidence and persistent reports that suspected political opponents of Indonesian rule in East Timor have been seriously ill-treated or tortured while under interrogation, Amnesty International is seriously concerned for the safety of all those detained for questioning, however briefly, by members of the security forces in connection with their alleged pro-independence activities.

42. Amnesty International believes that many of those detained in recent months may be or have been prisoners of conscience. Though the majority appear to have been released, at least 20 were believed still to be in custody in December 1990, some of whom had been in custody for several weeks. They were held in various military and police detention centres and unofficial safe houses in the town of Dili and the districts of Baucau, Lospalos, Viqueque, Maliana and Liquisa. In Dili detainees are frequently taken for interrogation to the Wisma Senopati I or Wisma Senopati II, buildings used by Indonesian military intelligence. After a period of interrogation, detainees are sometimes taken to the main police station in Dili (POLRES) where they may be placed in a cell for a matter of days or weeks before being released. In the outlying districts, political detainees are often interrogated and imprisoned at the headquarters of the District Military Command (KODIM).

43. The most recent wave of detentions began following a large pro-independence demonstration which took place shortly after the celebration of a Catholic Mass in Lecidere, Dili, on 4 September 1990. Although there were reportedly no arrests made at the time of the demonstration, dozens of young people and students were said to have been detained in subsequent days and weeks. In October Indonesian security forces conducted raids on a number of schools in Dili where students had allegedly expressed pro-dependence sympathies. Independent sources said that more than 50 people were detained during the month. In late October Indonesian military authorities in East Timor confirmed that 32 people had been detained for questioning in previous weeks and said that 14 remained in custody as of 20 October. Three days later another 13 people, including a girl aged 12 and several high school students, were detained by security forces. At least 50 others were

reportedly arrested in Dili, Liquisa, Ainaro and Motael during November. Among those detained were young people who had sought refuge at the parish churches of Motael and Ainaro following the arrests of October.

44. Among those arrested in September and November 1990 was Aleixo Gama, a student at the day school Externato San Jose, who had been detained on two previous occasions on 17 January and 4 June 1990. He was reportedly tortured after his arrest by Indonesian security forces on 10 September. Eyewitnesses who saw him in custody in September said that he bore signs of torture. He had reportedly been immersed in a tank of water: his face was swollen and had cuts and bruises and he was extremely weak from lack of food. He was reportedly released some time in late October or early November but was arrested again in Motael on 19 November together with at least eight others who had sought refuge at the parish church there. Aleixo Gama and three others - Augusto Mausiri, Jose Antonio and Carlos Aleong - were said to have been seriously ill-treated at the time of their arrest. According to reports all four were cut with razors and one, Augusto Mausiri, was burned with a lighted cigarette. Aleixo Gama was reportedly admitted to the military hospital in Dili on the same day.

45. Dozens of people, many of them local civil servants and teachers, were arrested in the district of Liquisa in the last three weeks of November, reportedly accused of sympathizing with Fretilin. At least four, Filomeno Oliveira, Gregorio dos Santos, Carlito dos Santos and Jorge Goncalves, were said to have been transferred to Comarca prison in Dili, but it was not known whether they had been formally charged. Similar arrests took place in other districts. In December a civil servant in the district of Maliana and his younger brother were arrested by military (KODIM 1636) personnel and accused of involvement in pro-independence activities. Both Adao and Carlos da Purificacao were reportedly beaten at the time of their arrest, interrogated and placed in a cell at the KODIM. Amnesty International is investigating the reasons for the arrest of these men, and others arrested for similar reasons, to determine whether they are prisoners of conscience, imprisoned for their non-violent political activities or beliefs.

Unacknowledged detention, "disappearances" and extrajudicial executions

46. Amnesty International is deeply concerned at the number of persons reported to be held in unacknowledged detention, some of whom may have "disappeared". According to reports, the whereabouts of more than 20 of those detained between September and December 1990 were unknown several days after they were taken into custody. Amnesty International believes that the majority of those detained in recent months may already have been released. Yet because political detainees are frequently held in incommunicado detention and because the authorities seldom make public the names of those detained or released, the whereabouts and the fate of detainees may remain unclear for some time.

47. Amnesty International has documented a number of cases of extrajudicial killing by members of the security forces in East Timor over the past year. Some of these are described in the organization's statement to the United Nations Special Committee on Decolonization. Since August Amnesty International has received dozens of additional reports of unlawful killings by security forces in the territory. Among the reported victims was Kasa Bui,

a women aged 30 from Ainawain in the district of Viqueque, who was reportedly raped, killed and dismembered by personnel of the 509th Battalion on 29 August 1990. There have also been reports that some of those detained in the past six months have been killed in custody or have died from injuries after being tortured.

48. These reports have been difficult to verify, in part because no mechanism yet exists for the systematic reporting of human rights violations in East Timor. However, in view of the evidence of past extrajudicial killings and the inherent gravity of the current allegations, Amnesty International believes that the government has an obligation to investigate promptly all such reports and to make public the results of any investigations.

Amnesty International and the Government of Indonesia

49. Amnesty International wrote to the Indonesian Government in December 1990 requesting information about the whereabouts and legal status of all those detained by security forces in East Timor in connection with the various pro-independence demonstrations and activities since October 1989. It asked to be informed whether any of those detained remained in custody and urged that anyone held solely because of their non-violent political activities or beliefs be immediately and unconditionally released. By the end of Jnauary 1991, however, the government had not responded.

50. In the same communication Amnesty International reiterated earlier requests for information concerning the results of investigations made into the apparent extrajudicial executions mentioned in its reports, or indeed into any others where investigations may have been conducted. It specifically requested information concerning the measures taken to bring to justice those implicated in the extrajudicial execution of Candido Amaral, described in the organization's statement to the United Nations Special Committee on Decolonization. Unfortunately, the Government had not responded to that request by the end of January 1991.

51. Amnesty International has repeatedly called on the Indonesian Government to demonstrate its commitment to the protection and promotion of human rights in East Timor by permitting international human rights organizations, including Amnesty International, to visit the territory in an official capacity, and on a regular basis, in order to monitor the human rights situation there. In spite of such requests Amnesty International has not yet been able to visit East Timor.

52. In a meeting with Indonesian Government representatives in October 1990 Amnesty International reiterated its request to visit East Timor. The government representatives said that it was "too early" for such a visit but did not give reasons for this assessment. Following that meeting Amnesty International wrote to the government proposing a round of preliminary talks on the question of human rights prior to a visit to East Timor, but by the end of January the government had not responded.

53. The government's persistent refusal to permit Amnesty International access to the territory stands in marked contrast to its frequent public assertions that East Timor is "open" and that foreign observers and international organizations are welcome to visit.

Appendix I

Testimony of an East Timorese man detained by Security Forces in November 1990

(translated from Indonesian) 1/

This is a statement regarding my arrest:

I was arrested on 3 November 1990 at 11.20 p.m. at the home of my aunt. They broke down the door of my aunt's house before coming in. They beat me without mercy. The instruments they used included: an iron rod, a crowbar, a knife and a wooden baton. They took me to the office of the Intelligence Command at Senopati I. The punishment was even worse there. They beat me again and again. My face and my nose were busted - there was blood everywhere. My face was full of blood, covered with bloody. The same night they threw me into a truck and drove me to the police station (POLRES). In the truck they beat me again in the head and the chest until I fell unconscious. When we arrived at the police station I didn't know where I was. They put me in a cell. They removed my belt, tied it around my neck and pulled me along with it. I was nearly unconscious, my body felt half dead. I was covered in blood and couldn't walk. On 4 November 1990 at about 11 p.m. I was removed from the cell at the police station and taken to Senopati II where I was interrogated ... I remained at Senopati II for eight days because I was too ill to return to the cell at the police station. My legs were badly injured and my chest was painful. I was transferred to a cell at the police station on 12 November 1990. There I was given only a small amount of food and water; the water was from the toilet. While in the cell my injuries grew worse.

1/ The original testimony provides details of the identity of the detainee which, in the interest of his security, are not reproduced here.